IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2698 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT WATER SUPPLY AND SEWERAGE BOARD

Versus

KANJI NAMORI THARU

Appearance:

MR HS MUNSHAW for Petitioner

MR CH VORA for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/02/2000

ORAL JUDGEMENT

1. Rule. Mr. C.H.Vora, learned counsel waives service of rule.

2. I have heard the learned counsel for the respective parties. As a result of the hearing and

discussion, it appeared to the Court and it was therefore suggested to the learned counsel that it could be possible to work out a via-media rather than merely admitting the petition and keeping the same pending for a number of years.

3. Both the learned counsel for the respective parties have addressed me on all relevant facts which arise in the matter, in order to satisfy me that their respective proposals are fair and reasonable. Ultimately what matters is that neither counsel is unable to agree with the other as to the terms of settlement. Ultimately therefore both the learned counsel agreed to leave the question to the Court, in the light of their submissions already made.

4. On the facts and circumstances of the case, therefore I am of the opinion that it would be fair, just and equitable to award to the workman 50% of the backwages, for the specific period from 1st January 1991 to 31st December 1996. The impugned judgement and award is modified only to the aforesaid extent and confirmed as to rest. It is so accordingly directed. It is directed that payment due to the workman by virtue of the present judgement and order shall be made not later than 15th April 2000.

5. This petition is accordingly disposed of and rule is partly made absolute with no orders as to costs.

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